



## **Alabama State Board of Auctioneers**

2777 Zelda Rd

Montgomery, AL 36106

Phone: 334-420-7235 or 866-873-4664

Fax: 334-263-6115

E-mail: [auctioneers@warrenandco.com](mailto:auctioneers@warrenandco.com)

Website: [www.auctioneer.alabama.gov](http://www.auctioneer.alabama.gov)

**BEFORE YOU FILE YOUR APPLICATION FOR AN AUCTION COMPANY LICENSE,  
BE CERTAIN YOU HAVE ALL OF THESE DOCUMENTS COMPLETED OR PROVIDED FOR REVIEW  
BY THE BOARD'S EXECUTIVE DIRECTOR.**

**ANY INCOMPLETE APPLICATIONS WILL BE RETURNED TO YOU.**

**Please pay additional attention to the following items that are commonly overlooked.**

Section 1: Federal Employer's ID Number or Social Security Number; whichever number coincides with your Federal Income Tax Filing.

Section 2: Type of Business – you must complete this section. If your company is anything other than a sole proprietorship (i.e., corporation, partnership, limited liability company, etc.), YOU MUST ATTACH a copy of the company's articles evidencing formation, organization or incorporation. A sole proprietorship has only one owner, who is also an Alabama licensed auctioneer.

Section 4: The Board encourages you to read its Rules and Regulations before completing this section, especially Rule 150-X-1-.02 – Application for Auctioneer's License.

For corporate entities other than sole proprietorships, the principal auctioneer must be an Alabama licensed auctioneer and be a part owner/member of the company and/or have an office/position within the company. As proof thereof, YOU MUST ATTACH a copy of the company's official meeting minutes, resolution or other official action evidencing the principal auctioneer's election to the corporate office or the auctioneer's stated position in the company. All such corporate minutes or resolutions or must be executed on behalf of the company by the appropriate corporate officers; any legal agreement between the company and the principal auctioneer must be signed by the auctioneer and all corporate owners. Alabama law also requires that you provide proof of citizenship for the licensed principal auctioneer and ALL non-auctioneer company owners.

**Please be advised that the Board office cannot provide legal advice regarding the formation of an auction company. If you require assistance, you are advised to consult an attorney or certified public accountant.**

**Page 4: Escrow Account Form** – An escrow account must be established for your auction company. The company may create such an account in its own name or utilize the principal auctioneer's escrow account. In lieu of an escrow account, the company may establish a regular checking account that will be used solely for handling all monies received at auction and disbursed to sellers. This account may not be utilized to pay the company's everyday expenses, such as utilities, cleaning services, or food purchases. If for some reason your company won't be handling funds, please provide a written explanation therefor and submit it with your application.



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RE: Licensing of Companies Engaging in the Auction Business

Dear Licensee:

This letter is to inform you that effective October 1, 2011, pursuant to the provisions of ALA. ADMIN. CODE r. 150-X-1-.02 and ALA. CODE §§ 34-4-20 and -28 (1975 as amended), companies engaging in the auction business in the State of Alabama will be required to obtain a license from the Alabama State Board of Auctioneers and to maintain that license through annual renewals.

The licensure requirement applies to any legal entity which engages in the business of auctioneering, as defined by the Auctioneers License Act and the Board's rules. An auction company *exclusively owned and operated* by an auctioneer licensed by this Board and in good standing therewith will be exempt from the requirement for a separate auctioneer license; however, auctioneers fitting within this exemption must still complete and file an auction company application with the Board; however, the license fee does not apply. If your auction company is not exempt, then you must submit the application and licensure fee of \$200.00.

**An individual designated as the principal auctioneer in the application and named in the license must be a licensed auctioneer in good standing with the Board and must be an officer of said auction company. Apprentice auctioneers are ineligible to satisfy these requirements.**

Auction companies operating without a license after October 1, 2011, may be considered to be in violation of ALA. CODE §34-4-20 (1975 amended) and subject to the applicable penalties and provisions of the Auctioneers License Act.

Enclosed you will find an application for an auction company license. Please complete the application and submit it along with the application/license fee of \$200.00 (in applicable) to your company.

Should you have any questions regarding this letter, please direct them to my office at the above-listed number. You may also consult the Board's website at [www.auctioneer.alabama.gov](http://www.auctioneer.alabama.gov) for further information and a copy of Rule 150-X-1-.02.

Sincerely,

Keith E. Warren, Executive Director



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**APPLICATION FOR AUCTION COMPANY LICENSE FOR THE YEAR 2015-2016**

1. Business name in which license will be issued.

\_\_\_\_\_

Trade name or dba name, if different from business name.

\_\_\_\_\_

a) **Mailing address** \_\_\_\_\_  
(Street & Number) (City) (State) (Zip Code)

b) **Physical address** (P.O. Boxes will not be accepted)

\_\_\_\_\_

(Street & Number) (City) (State) (Zip Code)

c) **Business phone:** \_\_\_\_\_ d) **Business Fax:** \_\_\_\_\_

e) **Business email address:** \_\_\_\_\_

Federal Employer's ID Number \_\_\_\_\_

2. Is applicant a corporation \_\_\_\_\_, partnership \_\_\_\_\_, association \_\_\_\_\_, company \_\_\_\_\_, limited liability company \_\_\_\_\_, or proprietorship \_\_\_\_\_ (individual).

State of formation, organization or incorporation \_\_\_\_\_

Attach copy of articles evidencing formation, organization or incorporation.

If the company is a foreign entity, provide evidence that the company is authorized to do business in this state and is registered with the Alabama Secretary of State.

3. Branch office(s) address(es), if any \_\_\_\_\_

4. Name of principal auctioneer and office or position in company. Authority to transact business as an auctioneer on behalf of the company shall be restricted to the principal auctioneer named in the license.

Name

Office or Position

Mailing address \_\_\_\_\_  
(Street & Number) (City) (State) (Zip Code)

Social Security Number \_\_\_\_\_ Auctioneer License Number AL-\_\_\_\_\_

Attach a copy of the company's official meeting minutes, resolution or other official action evidencing the principal auctioneer's election to the corporate office named above or the auctioneer's stated position in the company.

**Proof of Citizenship is required for the licensed principal auctioneer and ALL non-auctioneer company owners.**

5. List all auctioneers and apprentices, other than the principal auctioneer, who are affiliated with the company. Indicate status (apprentice or auctioneer). Use additional pages as needed.

Name

Address

AL License No.

Status

6. Provide names of all non-auctioneer company owners.

7. Has any partner, officer or director of the company ever been indicted or convicted on charges involving embezzlement, obtaining money under false pretenses, larceny or extortion? NO \_\_\_\_\_ YES \_\_\_\_\_ (If YES, attach all court documentation and a letter of explanation).

8. Are there any civil suits or judgments pending against any partner, officer or director of the company at this time? NO \_\_\_\_\_ YES \_\_\_\_\_ (If YES, attach all court documentation and a letter of explanation).

9. Has any partner, officer or director of the company ever had an auctioneer's license, real estate broker's license or any other type of occupational license suspended, revoked, refused or disciplined by this State or any other State? NO \_\_\_\_\_ YES \_\_\_\_\_ (If YES, attach a letter of explanation).

10. Does the principal auctioneer for the company understand and accept that he/she will be held accountable for all professional actions of all members and employees of the firm when operating within the scope of their professional activities?  
NO \_\_\_\_\_ YES \_\_\_\_\_ (If NO, attach a letter of explanation).

### AFFIDAVIT

By submitting this application to the Alabama State Board of Auctioneers for a license to conduct the business of auctioneering under the provisions of the Auctioneer License Act, as amended, the undersigned swears or affirms that he/she has read and is thoroughly familiar with the provisions of the aforementioned Act and agrees to fully comply with them. The undersigned further swears or affirms that all of the information given in this application is true and complete to the best of his/her knowledge and belief. If granted an application by the Alabama State Board of Auctioneers, the undersigned acknowledges that he/she must employ auctioneers licensed in the State of Alabama to conduct auction business in this State.

\_\_\_\_\_  
Signature of Principal Auctioneer

\_\_\_\_\_  
Signature of Company Owner

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

Subscribed and sworn to before me this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
County

\_\_\_\_\_  
State

**(SEAL)**

My Commission expires \_\_\_\_\_.



Pursuant to Alabama Code § 34-4-29(c)(4) (1975 as amended), the Alabama State Board of Auctioneers may suspend, revoke or refuse to renew any license issued by the Board for failure to keep or maintain any money belonging to others in an escrow or trustee account. Accordingly, please complete the following:

\_\_\_\_\_ The undersigned does handle funds belonging to others or intends to do so in the future.

**PLEASE HAVE YOUR BANK COMPLETE THE FOLLOWING AND RETURN TO THIS OFFICE.**

Auction Company Name and Address: \_\_\_\_\_

\_\_\_\_\_

Escrow Account Number: \_\_\_\_\_

Bank name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Bank Officer

\_\_\_\_\_  
Signature of Bank Officer

\_\_\_\_\_  
Date

I hereby certify that the foregoing information is true and correct to the best of my knowledge. I further understand that I have a continuing duty to notify the Board in the event that any of the information contained herein changes. The Alabama State Board of Auctioneers or its agent/designee is hereby authorized to audit any escrow account(s) referenced above.

\_\_\_\_\_  
Auction Company Owner and Escrow Account Holder (Please Print)

By: \_\_\_\_\_  
(Authorized Signature) (Printed Name) (Date)

\_\_\_\_\_  
Notary Public  
(SEAL)

My Commission expires \_\_\_\_\_

\_\_\_\_\_  
County

\_\_\_\_\_  
State

This form is required of all non-licensed auctioneer owner(s) and the principal licensed auctioneer. Please make copies as needed.

### CITIZENSHIP OR LAWFUL PRESENCE

*This supplement to the Application/Renewal form is to be completed in compliance with Ala. Code §§ 31-13-7 and 34-4-21(b) (1975 as amended).*

**This section must be completed by the individual Applicant, or, if the Applicant is a business entity engaging in the business of auctioneering in Alabama, as defined in Ala. Code § 34-4-1, et seq., by the Principal Auctioneer to be named in the company license.**  
**\*\*The Board requires proof of citizenship from each person listed on your application.**

**1) Are you a citizen of the United States?**

\_\_\_ Yes \_\_\_ No If "yes" please read the declaration below, sign and provide the requested proof of citizenship.  
If "no," see question 2 below.

**YOU MUST PROVIDE PROOF OF CITIZENSHIP BY SUBMITTING A COPY OF ONE OF THE FORMS OF IDENTIFICATION INCLUDED ON THE ATTACHED LIST WITH YOUR LICENSE APPLICATION OR RENEWAL**

***I hereby declare that I am a citizen of the United States of America. I sign this declaration under penalty of perjury; making a false, fictitious, or fraudulent statement or representation in this declaration is perjury in the second degree, pursuant to Ala. Code § 13A-10-102.***

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**2) If you are not a citizen of the United States, are you an alien who is lawfully present in the United States of America?**

\_\_\_ Yes \_\_\_ No If "yes" please read the declaration below, sign and provide the requested proof of lawful presence.

**YOU MUST PROVIDE PROOF OF LAWFUL PRESENCE IN THE UNITED STATES BY SUBMITTING A COPY OF ONE OF THE FORMS OF IDENTIFICATION INCLUDED ON THE ATTACHED LIST WITH YOUR LICENSE APPLICATION OR RENEWAL**

***I hereby declare that I am an alien lawfully present in the United States of America. I sign this declaration under penalty of perjury; making a false, fictitious, or fraudulent statement or representation in this declaration is perjury in the second degree, pursuant to Ala. Code § 13A-10-102.***

\_\_\_\_\_  
**Signature**

**Date:** \_\_\_\_\_



This form is required of all non-licensed auctioneer owner(s) and the principal licensed auctioneer. Please make copies as needed.

**PROOF OF CITIZENSHIP**

*Ala. Code § 31-13-29(g)*

1. A driver's license or nondriver's identification card issued by the Alabama Department of Public Safety or the equivalent governmental agency of another state within the United States, provided that the governmental agency of another state within the United States requires proof of lawful presence in the United States as a condition of issuance of the driver's license or nondriver's identification card.
2. A birth certification indicating birth in the United States or one of its territories.
3. Pertinent pages of a United States valid or expired passport identifying the person and the person's passport number, or the person's United States passport.
4. United States naturalization documents on the number of certificate of naturalization.
5. Other documents or methods of proof of United States citizenship issued by the federal government pursuant to the Immigration and Nationality Act of 1952, as amended.
6. Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
7. A consular report of birthday abroad of a citizen of the United States of America.
8. A certification of citizenship issued by the United States Citizenship and Immigration Services.
9. A certification of report of birth issued by the United States Department of State.
10. An American Indian card, with KIC classification, issued by the United States Department of Homeland Security.
11. Final adoption decree showing the person's name and United States birthplace.
12. An official United States military record of service showing the applicant's place of birth in the United States.
13. An extract from a United States hospital record of birth created at the time of the person's birth indicating the place of birth in the United States.
14. AL-Verify.
15. A valid Uniformed Services Privileges and Identification Card.
16. Any other form of identification that the Alabama Department of Revenue authorizes through administrative rule promulgated pursuant to the Alabama Administrative Procedure Act, to be used to demonstrate or confirm a person's United States citizenship or lawful presence in the United States, provided that the identification requires proof of lawful presence in the United States as a condition of issuance.



This form is required of all non-licensed auctioneer owner(s) and the principal licensed auctioneer. Please make copies as needed.

**PROOF OF LAWFUL PRESENCE OF NON-CITIZEN**

*Ala. Code § 31-13-3(10)*

1. A valid, unexpired Alabama driver's license.
2. A valid, unexpired Alabama nondriver's identification card.
3. A valid tribal enrollment card or other form of tribal identification bearing a photograph or other biometric identifier.
4. Any valid United States federal or state government issued identification document bearing a photograph or other biometric identifier, if issued by an entity that requires proof of lawful presence in the United States before issuance.
5. A foreign passport with an unexpired United States Visa and a corresponding stamp or notation by the United States Department of Homeland Security indicating the bearer's admission to the United States.
6. A foreign passport issued by a visa waiver country with the corresponding entry stamp and unexpired duration of stay annotation or an I-94W form by the United States Department of Homeland Security indicating the bearer's admission to the United States.